



**KAYSVILLE CITY PLANNING COMMISSION
NOTICE AND AGENDA**

Notice is hereby given that the Kaysville City Planning Commission will hold their regular meeting on Thursday, August 26 starting at 7:00 p.m. at the Kaysville City Municipal Building located at 23 East Center Street. The public is encouraged to attend in person or may view the meeting online via www.Kaysvillelive.com.

The agenda shall be as follows:

1. Opening and approval of the minutes from the August 12, 2021 meeting
2. Draft Landscape Ordinance
3. Draft ordinance for Instructional Home Occupations
4. Call to the Public
5. Other matters that properly come before the Planning Commission:
 - a. Reports
 - b. Correspondence
 - c. Calendar
6. Adjournment

I hereby certify that I posted a copy of the foregoing Notice and Agenda at the Kaysville Municipal Center and mailed copies to the media representatives on Tuesday August 24, 2021.

Lyle Gibson – Community Development Director

ORDINANCE NO. 2021-

AN ORDINANCE ENACTING CHAPTER 17-6, WATER EFFICIENT LANDSCAPING, OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY PROVIDING FOR REPEALER; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, water is an increasingly scarce resource, of limited supply, and are subject to ever increasing demands;

WHEREAS, it is the policy of Kaysville City to promote the conservation and efficient use of water and to prevent waste of this valuable resource;

WHEREAS, the city recognizes that landscapes provide areas for active and passive recreation;

WHEREAS; landscape design, installation, maintenance and management can and should be water efficient;

WHEREAS, Kaysville City desires to promote the design, installation and maintenance of landscapes that are both attractive and water efficient;

WHEREAS, Kaysville City can accomplish these goals by adopting this ordinance; and,

WHEREAS, Kaysville has the authority to adopt this ordinance pursuant to Utah Code Annotated (2010) § 10-3-702, and hereby exercises its legislative powers in doing so.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF KAYSVILLE CITY, UTAH:

Section I. **Repealer.** If any provisions of the City’s Code previously adopted are inconsistent herewith they are hereby repealed.

Section II. **Enactment.** Section 17-6, WATER EFFICIENT LANDSCAPING , OF TITLE 17, PLANNING AND ZONING, OF THE REVISED ORDINANCES OF KAYSVILLE CITY is amended as follows:

17-6-1 Purpose

~~The City Council has found that it~~ It is in the public interest to conserve ~~the public's~~ water resources and to promote water efficient landscaping. The purpose of this ordinance is to protect and enhance the community's environmental, economic, recreational, and aesthetic resources by promoting efficient use of water in the community's landscapes, reduce water waste and establish a structure for designing, installing and maintaining water efficient landscapes throughout the City.

17-6-2 Definitions

The following definitions shall apply to this ordinance:

Applied Water: The portion of water supplied by the irrigation system to the landscape.

Bubbler: An irrigation head that delivers water to the root zone by “flooding” the planted area, usually measured in gallons per minute. Bubblers exhibit a trickle, umbrella or short stream pattern.

Check Valve: A device used in sprinkler heads or pipe to prevent water from draining out of the

pipe through gravity flow. Used to prevent pollution or contamination of the water supply due to the reverse flow of water from the secondary irrigation system.

Drip Emitter: Drip irrigation fittings that deliver water slowly at the root zone of the plant, usually measured in gallons per hour.

Effective Precipitation: The portion of total precipitation which becomes available for plant growth.

Established Landscape: The point at which plants in the landscape have developed significant root growth into the soil.

Establishment Period: the first year after installing the plant in the landscape.

Evapotranspiration (ET): The quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time, expressed in inches per day, month or year.

Grading Plan: The Grading Plan shows all finish grades, spot elevations as necessary and existing and new contours with the developed landscape area.

Ground Cover: Material planted in such a way as to form a continuous cover over the ground that can be maintained at a height not more than twelve (12) inches.

Hardscape: Patios, decks and paths. Does not include driveways and sidewalks.

Irrigation System Audit: an in-depth evaluation of the performance of an irrigation system that includes, but is not limited to, inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation Landscaped Area: All portions of a development site to be improved with plantings and irrigation. Natural open space areas shall not be included in the irrigated landscape area.

Irrigation Efficiency: the measurement of the amount of water beneficially applied, divided by the total amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system hardware characteristics and management practices.

Irrigation Plan: The irrigation plan shows the components of the irrigation system with water meter size, backflow prevention (when outdoor irrigation is supplied with culinary water), precipitation rates, flow rate and operating pressure for each irrigation circuit, and identification of all irrigation equipment.

Landscape Architect: A person who holds a certificate to practice landscape architecture in the state of Utah. Only a Landscape Architect can legally create commercial landscape plans.

Landscape Designer: A person who may or may not hold professional certificates for landscape design/architecture and cannot legally create commercial landscape plans. Landscape Designers generally focus on residential design and horticultural needs of home landscapes.

Landscape Education Package: A package that is intended to inform and educate water users in the City about water efficient landscapes. This package should include a listing of water conserving plants, certified landscape designers, landscape architects, certified irrigation designers, and certified irrigation contractors. Information regarding the City's water rates, billing format for water use and commitment to water conservation may also be included.

Landscape Plan Documentation Package: The preparation of a graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural features such as plantings, ground and water forms, circulation, walks and other features to comply with the provisions of this ordinance. The Landscape Plan Documentation Package shall include a project data sheet, a Planting Plan, an Irrigation Plan, and a Grading Plan.

Landscape Zone: A portion of the landscaped area having plants with similar water needs, areas with similar microclimate (i.e., slope, exposure, wind, etc.) and soil conditions, and areas that will be similarly irrigated. A landscape zone can be served by one irrigation valve, or a set of valves with the same schedule.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass; natural features such as rock, stone, or bark chips; and structural features, including but not limited to, fountains, reflecting pools, outdoor art work, screen walls, fences or benches.

Localscapes®: A locally adaptable and environmentally sustainable urban landscape style that requires less irrigation than traditional Utah landscapes (see www.Localscapes.com).

Maximum Applied Water Allowance (MAWA): the upper limit of annual applied water for the established landscaped area as specified in Section 8. It is based upon the area's reference evapotranspiration, a plant adjustment factor, and the size of the landscape area. The Estimated Total Water Use shall not exceed the MAWA.

Microclimate: The climate of a very small restricted area that is different from the surrounding area. These areas include shade areas, sun areas, and areas protected by surrounding structures.

Mulch: Any material such as rock, bark, wood chips or other materials left loose and applied to the soil.

Park Strip: A typically narrow landscaped area located between the back-of-curb and sidewalk.

Plant Adjustment Factor: A reference evapotranspiration factor, also referred to as a crop coefficient which is a value to indicate water needs of various plant types for optimum growth or yield. It is a factor to provide acceptable appearance and function of the plant.

Planting Plan: A Planting Plan shall clearly and accurately identify and locate new and existing trees, shrubs, ground covers, turf areas, driveways, sidewalks, hardscape features, and fences.

Pop-up Spray Head: A sprinkler head that sprays water through a nozzle in a fixed pattern with no rotation.

Precipitation Rate: The depth of water applied to a given area, usually measured in inches per hour.

Pressure Compensating: A drip irrigation system that compensates for fluctuating water pressure by only allowing a fixed volume of water through drip emitters.

Rehabilitated Landscaping: Altering, repairing, or adding to a landscape to make possible a compatible use, increase curb appeal, decrease maintenance, etc.

Rotor Spray Head: A sprinkler head that distributes water through a nozzle by the rotation of a gear or mechanical rotor.

Runoff: Irrigation water that is not absorbed by the soil or landscape area to which it is applied, and which flows onto other areas.

Smart Automatic Irrigation Controller: An automatic timing device used to remotely control valves in the operation of an irrigation system using the internet to connect to a real time weather source or soil moisture sensor. Smart Automatic Irrigation Controllers schedule irrigation events using either evapotranspiration or soil moisture data to control when and how long sprinklers or drip systems operate and will vary based on time of year and weather/soil moisture conditions.

Special Landscape Area: (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Spray Sprinkler: An irrigation head that sprays water through a nozzle.

Stream Sprinkler: An irrigation head that projects water through a gear rotor in single or multiple streams.

Turf: A surface layer of earth containing grass species with full root structures that are maintained as mowed grass.

Waste of Water: shall include, but not necessarily limited to:

1. The use of water for any purpose, including outdoor irrigation, that consumes, or for which is applied substantial excess water beyond the reasonable amount required by the use, whether such excess water is lost due to evaporation, percolation, discharges into the sewer system, or is allowed to run into the gutter or street.
2. Washing sidewalks, driveways, parking areas, tennis courts, patios, or other paved areas except to alleviate immediate health or safety hazards.

Water-Conserving Plant: A plant that can generally survive with available rainfall once established although supplemental irrigation may be needed or desirable during spring and summer months.

17-6-3 Applicability of Water Efficient Landscape Ordinance

The provisions of this ordinance shall apply to all new ~~construction and development and any expansion or rehab of existing public, quasi-public, commercial, industrial, or multi-family use, and rehabilitated landscaping for public agency projects, private commercial and industrial development projects, developer installed landscaping in multi-family and single-family residential projects, and homeowner provided landscape improvements within the front, side, and rear yards of single and two-family dwellings.~~

17-6-4 Landscape Design Standards

A. Plant Selection.

1. Plants shall be well-suited to the microclimate and soil conditions at the project site. Both native and locally-adapted plants are acceptable. Plants with similar water needs shall be grouped together as much as possible.
2. Areas with slopes greater than 25% shall be landscaped with deep-rooting, water- conserving plants for erosion control and soil stabilization.
3. Park strips and other landscaped areas less than eight (8) feet wide shall be landscaped ~~with water conserving plants, that do not a mass planting of any type of plant material; in a manner that does not~~ requiring uniform overhead spray irrigation, ~~no turf or artificial turf is permitted in these areas.~~

~~Note: Please see Exhibit A for a list of recommended plants for various landscape situations and conditions (not a comprehensive list).~~

B. Mulch. After completion of all planting, all irrigated non-turf areas shall be covered with a minimum three (3) inch layer of mulch to retain water, inhibit weed growth, and moderate soil temperature. Non-porous material shall not be placed under the mulch.

C. Soil Preparation. Soil preparation will be suitable to provide healthy growing conditions for the plants and to encourage water infiltration and penetration. Soil preparation shall include scarifying the soil to a minimum depth of six (6) inches and amending the soil with organic material as per specific recommendations of the Landscape Designer/Landscape Architect based on the soil conditions.

D. Tree Selection. Tree species shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. Trees shall be selected as follows:

1. Broad canopy trees shall be selected where shade or screening of tall objects is desired;
2. Low-growing trees shall be selected for spaces under utility wires;
3. Select trees from which lower branches can be trimmed to maintain a healthy growth habit where vision clearance and natural surveillance is a concern;
4. Narrow or columnar trees shall be selected where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street for natural surveillance;
- ~~5. Street trees shall be planted within existing and proposed park strips, and in sidewalk tree wells on streets without park strips. Tree placement shall provide canopy cover (shade) and avoid conflicts with existing trees, retaining walls, utilities, lighting, and other obstacles; and~~

~~6.5~~ Trees less than a two-inch caliper shall be double-staked until the trees mature to a two-inch caliper.

17-6-5 Landscapes in New Single-family Residential Developments

- A. Homebuilders and/or developers subdividing lots and/or constructing new single-family residential homes shall provide water-efficient landscaping to prospective home buyers, such as the Locascapes design style when the landscape is installed by the homebuilder/developer. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
- B. Homebuilders and/or developers who construct model homes for a designated subdivision shall install water-efficient landscaping, such as the Locascapes design style. The water-efficient landscaping option shall meet the Landscape Design Standards and Irrigation Design Standards of this ordinance, and any central open shape area consisting of plant material in mass requiring overhead spray irrigation shall not exceed 35% of the total landscaped area.
- C. New Construction homes shall have landscaping and irrigation plans approved by the City Planning Department prior to issuance of building permits, for which no variance may be granted, and which meet the aforementioned requirements.
- D. Model homes shall include an informational brochure on water-efficient landscaping or Locascapes. Locascapes brochures can be obtained from the City Planning Department.
- E. When buyers or owners are installing their own landscaping on new home construction, a time frame for landscaping to be completed shall be 18 months from the time of occupancy to complete the front yard and no more than three years to complete the total landscape.

~~17-6-7 Prohibition on Restrictive Covenants Requiring Uniform Plant Material Irrigated with Spray Irrigation~~

- ~~2) Any Homeowners Association governing documents, such as bylaws, operating rules, covenants, conditions, and restrictions that govern the operation of a common interest development, are void and unenforceable if they:

 - a) ~~Require the use of any uniform plant material requiring overhead spray irrigation in landscape areas less than 8 feet wide or require any uniform plant material requiring overhead spray irrigation in other areas that exceed 40% of the landscaped area; or~~
 - b) ~~Prohibit, or include conditions that have the effect of prohibiting, the use of water conserving plants as a group; or~~
 - e) ~~Have the effect of prohibiting or restricting compliance with this ordinance or other water conservation measures.~~~~

17-6-6 Landscapes in Commercial, Industrial, and Institutional Developments

Commercial, industrial and institutional landscapes shall meet the following Landscape Design Standards and Irrigation Design Standards of this ordinance, and the turf area shall not exceed

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15% of the total landscaped area, outside of active recreation areas.

1. Documentation for Commercial, Industrial, and Institutional Projects

Landscape Plan Documentation Package. A copy of a Landscape Plan Documentation Package shall be submitted to and approved by the City prior to the issue of any permit. A copy of the approved Landscape Plan Documentation Package shall be provided to the property owner or site manager and to the local retail water purveyor. The Landscape Plan Documentation Package shall be prepared by a registered landscape architect and shall consist of the following items:

A. Project Data Sheet. The Project Data Sheet shall contain the following:

1. Project name and address;
2. Applicant or applicant agent's name, address, phone number, and email address;
3. Landscape architect's name, address, phone number, and email address; and
4. Landscape contractor's name, address, phone number and email address, if available at this time.

B. Planting Plan. A detailed planting plan shall be drawn at a scale that clearly identifies the following:

1. Location of all plant materials, a legend with botanical and common names, and size of plant materials;
2. Property lines and street names;
3. Existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements;
4. Existing trees and plant materials to be removed or retained;
5. Scale: graphic and written;
6. Date of Design;
7. Designation of a landscape zone, and
8. Details and specifications for tree staking, soil preparation, and other planting work.

C. Irrigation Plan. A detailed irrigation plan shall be drawn at the same scale as the planting plan and shall contain the following information:

1. Layout of the irrigation system and a legend summarizing the type and size of all components of the system, including manufacturer name and model numbers;
2. Static water pressure in pounds per square inch (psi) at the point of connection to the public water supply;
3. Flow rate in gallons per minute and design operating pressure in psi for each valve and precipitation rate in inches per hour for each valve with sprinklers, and

4. Installation details for irrigation components.

D. Grading Plan. A Grading Plan shall be drawn at the same scale as the Planting Plan and shall contain the following information:

1. Property lines and street names, existing and proposed buildings, walls, fences, utilities, paved areas and other site improvements, and
2. Existing and finished contour lines and spot elevations as necessary for the proposed site improvements.

2) Irrigation Design Standards

A. Smart Automatic Irrigation Controller. Landscaped areas shall be provided with a WaterSense labeled smart irrigation controller which automatically adjusts the frequency and/or duration of irrigation events in response to changing weather conditions. All controllers shall be equipped with automatic rain delay or rain shut-off capabilities and shall be setup to operate in "smart" mode.

B. Each valve shall irrigate a landscape with similar site, slope and soil conditions and plant materials with similar watering needs. Turf and non-turf areas shall be irrigated on separate valves. Drip emitters and sprinklers shall be placed on separate valves.

C. Drip emitters or a bubbler shall be provided for each tree. Bubblers shall not exceed 1.5 gallons per minute per device. Bubblers for trees shall be placed on a separate valve unless specifically exempted by the City due to the limited number of trees on the project site.

D. Drip irrigation or bubblers shall be used to irrigate plants in non-turf areas. Pop-up spray heads shall be at a minimum of four (4) inches in height to avoid blockage from lawn foliage.

E. Sprinklers shall have matched precipitation rates with each control valve circuit.

F. Sprinkler heads shall be attached to rigid lateral lines with flexible material (swing joints) to reduce potential for breakage.

G. Check valves shall be required where elevation differences cause low-head drainage. Pressure compensating valves and sprinklers shall be required where a significant variation in water pressure occurs within the irrigation system due to elevation differences.

H. Filters shall be required on all secondary water service connections. Filters shall have as a minimum a 30 mesh screen and shall be cleaned and maintained by the property owner on a regular basis.

I. Drip irrigation lines require additional filtration at or after the zone valve at a minimum of 200 mesh and end flush valves are required as necessary for drip irrigation lines.

J. Valves with spray or stream sprinklers shall be scheduled to operate in accordance with local water supplier restrictions to reduce water loss from wind, evaporation or other environmental conditions not suitable for irrigation.

K. Program valves for multiple repeat cycles where necessary to reduce runoff, particularly on slopes and soils with slow infiltration rates.

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L. Meter Installation: Meters shall be specified by the <CITY NAME> for the particular installation and shall report instantaneous flow in gallons per minute (gpm) and totalized flow in gallons via encoded register output. <DEFINE INSTALLATION REQUIREMENTS INCLUDING METER MANUFACTURER AND ENCLOSURE DEPTHS ETC>

M. AMR Transmitters: Each meter shall be fitted with an AMR transmitter with integral connector. <DEFINE AMR TRANSMITTER AND INSTALLATION REQUIREMENTS>

Each new development or rehabilitated landscape that uses primary potable water for landscape irrigation must provide a water budget calculation to demonstrate a Maximum Applied Water Allowance (MAWA) for the new landscape or development. For parcels using secondary water, the MAWA is determined by the secondary water provider based on parcel size and is referred to as an allocation.

The Maximum Applied Water Allowance shall be calculated using the following equation:

$$\text{MAWA} = (\text{ETo}) (0.62)(1.15)[(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year) as calculated from weather data at the closest available weather station.

0.62 = Conversion Factor (to gallons)

1.15 = Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF), plant factor or crop coefficient (.8 standard for cool season turf)

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

ETo values can be obtained directly from the USU Climate Center where a data base of weather data from local stations is collected, analyzed, and stored. If you cannot find the ET data you need, please contact the City.

Additional details and examples of calculations are found in Appendix A

3. Plan Review, Construction Inspection, and Post-Construction Monitoring for Commercial, Industrial, and Institutional Projects

A. As part of the Building Permit approval process, a copy of the Landscape Plan Documentation Package shall be submitted to the City for review and approval before construction begins.

~~B. All installers and designers shall meet state and local license, insurance, and bonding requirements, and be able to show proof of such.~~

~~C. During construction, site inspection of the landscaping may be performed by the City-Building Inspection Department.~~

~~D. Following construction and prior to issuing the approval for occupancy or release of~~

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~~assurance deposit when deemed appropriate by the City, an inspection shall be scheduled with the Building Inspection Department City to verify compliance with the approved landscape plans. The Certificate of Substantial Completion shall be completed by the property owner, contractor or landscape architect and submitted to the City.~~

~~E.D.~~ The City reserves the right to perform site inspections at any time before, during or after the irrigation system and landscape installation, and to require corrective measures if requirements of this ordinance are not satisfied.

17-6-7 Prohibited Watering Practices

Regardless of the age of a development (commercial, industrial, office, or residential), water shall be properly used. Waste of water is prohibited.

17-6-8 Enforcement, Penalty for Violations

The Public Utilities Director and other employees of the Public Utilities Department are authorized to enforce all provisions of this Ordinance.

Any consumer who violates any provisions of this Ordinance shall be issued a written notice of violation. This notice shall be affixed to the property where the violation occurred. The notice will describe the violation and order that it be corrected, cured or abated immediately or within times specified by the City. Failure to receive a notice shall not invalidate further actions by the City. If the order is not complied with, the City may terminate water service to the customer and/or issue a citation.

SECTION III: Severability. If any section, subsection, sentence, clause or phrase of this ordinance is declared invalid or unconstitutional by a court of competent jurisdiction, said portion shall be severed and such declaration shall not affect the validity of the remainder of this ordinance.

SECTION IV: Effective Date. This Ordinance shall take effect 20 days after being passed and adopted by the City Council.

PASSED AND ADOPTED by the City Council of Kaysville City, Utah, this ___th day of _____, 2021.

Katie Witt
Mayor

ATTEST:

Annemarie Plaizier
City Recorder

Appendix A

The Maximum Applied Water Allowance shall be calculated using the equation:

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing and/or planned landscape project. The ETo values used in these calculations are examples only but are real ETo values from Weber Basin's weather station and should be substituted for actual ETo values for your specific city. For actual irrigation scheduling, automatic smart irrigation controllers are required and shall use current reference evapotranspiration data (most of which is part of each controller company's supporting weather network) or soil moisture sensor data.

(1) Example MAWA calculation: a hypothetical landscape project in Layton Utah with an irrigated landscape area of 20,000 square feet without any Special Landscape Area (SLA= 0, no edible plants, or recreational areas). To calculate MAWA, the annual reference evapotranspiration value for Layton is 32.8 inches as documented from the Weber Basin weather station data.

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

ETo = Reference Evapotranspiration (inches per year)

0.62 = Conversion Factor (to gallons)

1.15 = Delivery Inefficiency Factor (sprinkler system uniformity etc.)

0.8 = ET Adjustment Factor (ETAF) typical for cool season turf

LA = Landscape Area including SLA (square feet)

0.3 = Additional Water Allowance for SLA

SLA = Special Landscape Area (square feet)

$$\text{MAWA} = (32.8 \text{ inches}) (0.62) (1.15) [(0.8 \times 20,000 \text{ square feet}) + (0.3 \times 0)] = \mathbf{374,182 \text{ gallons per year}}$$

(or 1.15 AF/yr)

(2) In this next hypothetical example, the landscape project in Ogden Utah has the same ETo value of 32.8 inches and a total landscape area of 15,000 square feet. Within the 15,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a Special Landscape Area.

$$\text{MAWA} = (\text{ETo}) (0.62) (1.15) [(0.8 \times \text{LA}) + (0.3 \times \text{SLA})]$$

$$\text{MAWA} = (32.8 \text{ inches}) (0.62) (1.15) [(0.8 \times 15,000 \text{ square feet}) + (0.3 \times 2,000 \text{ square feet})]$$

= 20.34 x [12,000 + 600] gallons per year = **280,696.8 gallons per year** (or .86 AF/year)

Chapter 26 Home Occupations

<u>17-26-1</u>				<u>Purpose</u>
<u>17-26-2</u>	<u>Minor</u>	<u>Home</u>	<u>Occupations</u>	<u>Occupations</u>
<u>17-26-3</u>	<u>Major</u>	<u>Home</u>	<u>Occupations</u>	<u>A</u>
<u>17-26-4</u>	<u>Major</u>	<u>Home</u>	<u>Occupations</u>	<u>B</u>
<u>17-26-4a</u>	<u>Major</u>	<u>Home</u>	<u>Occupations</u>	<u>C</u>
<u>17-26-5</u>	<u>Agricultural</u>	<u>Home</u>	<u>Occupations</u>	<u>Occupations</u>
<u>17-26-6</u>	<u>Residential</u>	<u>Child</u>	<u>Care</u>	<u>Care</u>
<u>17-26-7</u>		<u>General</u>	<u>Standards</u>	<u>Standards</u>
<u>17-26-8</u>	<u>Enforcement</u>	<u>And</u>	<u>Revocation</u>	<u>Revocation</u>
<u>17-26-9</u>			<u>Penalties</u>	<u>Penalties</u>
<u>17-26-10</u>		<u>Youth</u>	<u>Enterprise</u>	<u>Enterprise</u>

17-26-1 Purpose

The purpose of these provisions is to ensure that home occupations remain incidental and accessory uses within the dwelling or on the dwelling site and that any coincidental nuisance remains within the dwelling or on the dwelling site.

17-26-2 Minor Home Occupations

The following regulations shall apply to all minor home occupations:

1. The use shall be conducted entirely within the dwelling by the inhabitants thereof and no others.
2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds, or vibrations.
3. No more than 300 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.)
4. There shall be no advertising, display, or other indications of a home occupation on the premises.
5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products on display, provided that orders previously made by telephone or at a sales party may be filled on the premises. That is, direct sales of products off display shelves or racks is not allowed, but a person may pick up an order placed earlier as described above.
6. No storage or display of goods shall be visible from outside the structure.
7. No explosive material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
8. The home occupation shall not create greater vehicle or pedestrian traffic than normal for the zone district in which it is located.
9. Parties for the purpose of selling merchandise or taking orders shall not be held more than four times each month.
10. The use shall not require additional off-street parking above that amount already required by the provisions of this title.
11. No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
12. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice each year, and each sale shall not last more than two (2) consecutive days.
13. The use shall not require deliveries from commercial suppliers to the minor home occupation nor deliveries from the home occupation.
14. Permitted minor home occupations may include, but are not necessarily limited to, the following:
 1. Artists and sculptors;

2. Authors and composers;
 3. Home crafts for sale off-site;
 4. Office facility of clergy;
 5. Office facility of a salesman, sales representative, or manufacturer's representative;
 6. Professional office facilities;
 7. Individual tutoring;
 8. Preserving and home cooking for sale off-site;
 9. Individual instrument instruction;
 10. Telephone solicitation work.
15. The following uses by the nature of the investment or operation have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as minor home occupations:
1. All uses prohibited as major home occupations A or B;
 2. Minor or major auto repair;
 3. Barber shop;
 4. Woodworking;
 5. Dance instruction;
 6. Dental offices;
 7. Medical offices;
 8. Painting of vehicles, trailers, or boats;
 9. Photo developing, photo studios;
 10. Private schools with organized classes;
 11. Television repair;
 12. Upholstering;
 13. Beauty parlors;
 14. Massage parlors;
 15. Small engine repairs;
 16. Welding shop; and
 17. Other similar uses.

17-26-3 Major Home Occupations A

The following regulations shall apply to all major home occupations A:

1. The use shall be conducted entirely within the dwelling by the inhabitants thereof and a non-resident employee. Not more than one (1) non-resident employee shall be on the site.
2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner that would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, signs, or the emission of sounds or vibrations.
3. No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.)
4. There shall be no advertising, display, or other indications of a home occupation on the premises.
5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products on display. No customers, clients, patients, students, patrons or others shall come to the premises to receive goods or services.
6. No storage or display of goods shall be visible from outside the structure.
7. No explosive material shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television transmission in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.

8. The home occupation shall not create greater vehicle or pedestrian traffic than normal for the zone district in which it is located.
9. The use shall provide one (1) additional off-street parking space above that amount already required by the provisions of this title.
10. No use of material or equipment not recognized as being part of the normal practices of owning and maintaining a residence shall be allowed.
11. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice each year, and each sale shall not last more than two (2) consecutive days.
12. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
13. Permitted major home occupations A shall only include:
 1. Office facility of a salesman, sales representative, or manufacturer's representative;
 2. Professional office facilities;
 3. Telephone solicitation work.

17-26-4 Major Home Occupations B

A Major Home Occupation B is a home business which may generally have more materials or larger vehicles than other home businesses and may provide services to groups of a limited size.

The following regulations shall apply to all major home occupations B:

1. The use shall be conducted primarily within the dwelling site and carried on by the inhabitants thereof and no others.
2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
3. No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.) Accessory buildings as allowed in the zone district may be used for the home occupation as permitted. The home occupation shall occupy no more than five percent (5%) of the lot area.
4. There shall be no signs present on the property except for one wall sign, not to exceed one square foot, indicating the address and the occupant's name, for example, Joe Doe - Accountant. See Name Plates in KCC 17-33, Sign Regulations.
5. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations; for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
6. There shall be no exterior storage on the premises of material used in the home occupation nor of any explosive material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
7. The home occupation, including studios or rooms for instruction, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 200 square feet of floor area devoted to the home occupation.
8. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.

9. Parties for the purpose of selling merchandise or taking orders shall not be held more often than four times each month.
10. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice a year, and each sale shall not last more than two (2) consecutive days.
11. The allowable number and size of vehicles and equipment used by the home occupation shall be as determined by the Planning Commission. Only one (1) vehicle over twenty-two feet (22') in length shall be used in the home occupation. Vehicles over twenty-two feet (22') in length including trailers shall not be parked on the street nor within a yard abutting a street.
12. Major home occupations B may include, but are not necessarily limited to the following:
 1. Any use allowed as a minor home occupation;
 2. Photo studios and developing;
 3. Organized classes (limits shall be placed on the number of students and/or the number of vehicles transporting students to prevent congestion);
 4. Television and other electrical repairs excluding major appliances such as refrigerators, or storage;
 5. Small engine repairs, excluding automobiles, motorcycles, and snowmobiles;
 6. Upholstering;
 7. Woodworking;
 8. Preschools with no more than 12 students in any class;
 9. Contractors that have equipment such as a trailer stored at the home;
 10. Ceramics (kilns smaller than six (6) cubic feet);
 11. Carpet or upholstery cleaning;
 12. Gun repair;
 13. Plant nurseries; and
 14. Pest or weed control service.
13. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations B:
 1. Minor or major auto repair, painting of vehicles, trailers, or boats;
 2. Funeral chapel or home;
 3. Gift shops,
 4. Medical or dental clinic; and
 5. Welding or machine shops.

HISTORY

Amended by Ord. [19-05-02](#) on 5/2/2019

17-26-4a Major Home Occupations C

Businesses which qualify as a major home occupation C are those businesses which are run by the resident(s) of a home without outside employees, that may have by appointment no more than one (1) customer at a time unless otherwise stated.

The following regulations shall apply to all major home occupations C:

1. The use shall be conducted primarily within the dwelling site and carried on by the inhabitants thereof and no others.
2. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence be conducted in a manner which would cause the premises to differ from its residential character either

- by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
3. Only one customer shall be permitted at any point in time and must be a scheduled appointment, no walk-in business shall be permitted.
 4. No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.) Accessory buildings as allowed in the zone district may be used for the home occupation as permitted. The home occupation shall occupy no more than five percent (5%) of the lot area.
 5. There shall be no signs present on the property except for one wall sign, not to exceed one square foot, indicating the address and the occupant's name, for example, Joe Doe - Accountant. See Name Plates in [KCC 17-33](#), Sign Regulations.
 6. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with other permitted home occupations; for example, a single-chair beauty parlor would be allowed to sell combs, hair spray, and other miscellaneous items to customers. However, a dressmaker would be required to do only custom work for specific clients and would not be allowed to develop stocks of dresses for sale to the general public on-site.
 7. There shall be no exterior storage on the premises of material used in the home occupation nor of any explosive material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
 8. The home occupation, including studios or rooms for instruction, shall provide additional off-street parking area reasonably adequate to accommodate needs created by the home occupation of not less than one parking space for each 200 square feet of floor area devoted to the home occupation.
 9. Deliveries from commercial suppliers may not be made more than once each week, and the deliveries shall not restrict traffic circulation.
 10. Parties for the purpose of selling merchandise or taking orders shall not be held more often than four times each month.
 11. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice a year, and each sale shall not last more than two (2) consecutive days.
 12. Only vehicles less than 22 feet in length that would be commonly identified for use of a residence are permitted in conjunction with a Home Occupation C.
 13. Major home occupations C may include, but are not necessarily limited to the following:
 1. Any use allowed as a minor home occupation;
 2. Single-chair estheticians, beauty parlors, and barber shops;
 3. Small group lessons for school tutoring and music lessons not to exceed 4 students at a time.
 4. Dressmaking;
 5. Daycare for 2 or less children; and
 6. Massage therapy.
 14. While not all business types are listed under Subsection 13 of this section, those businesses which are specifically identified in another home occupation category must follow the regulations and processes of the category where they are listed.
 15. Upon approval of a business license, notice will be mailed to properties within 100 feet of the major home occupation C to inform them of the approved business activity.

HISTORY

Adopted by Ord. [19-05-02](#) on 5/2/2019

17-26-5 Agricultural Home Occupations

The following regulations shall apply to all agricultural home occupations:

1. The use shall be conducted primarily within the site and carried on by the inhabitants thereof and non-resident employees, as determined by the Planning Commission. Not more than three (3) non-resident employees shall be on the site.
2. The site shall have a minimum of 40,000 square feet in the A-1 zone and 210,000 square feet in the A-5 zone;
3. No more than 400 square feet, or 20 percent of the gross floor area of the dwelling, may be used for the home occupation. (The least restrictive shall apply.) Accessory buildings as allowed in the zone district may be used for home occupation as permitted. Home occupation shall occupy no more than five percent (5%) of the total lot area or three thousand (3,000) square feet, whichever is less.
4. Outdoor storage may be allowed. Landscaping shall be required to screen parking areas and outside storage from the view of adjacent landowners and public roadways;
5. Increased setbacks or additional screening may be established by the Planning Commission to ensure that any proposed structure is compatible with the surrounding residential or agricultural area;
6. Required setbacks may be increased subject to the review of the Planning Commission for any activity that could potentially detract from a residential area but that is not deemed incompatible with the neighborhood. Such activities include but are not limited to: Employee parking areas, loading zones, outdoor storage, and outdoor work areas;
7. One name plate or one low profile sign (maximum area 24 square feet) in accordance with [KCC 17-33](#), Sign Regulations is allowed;
8. All merchandise sales shall be an incidental use.
9. The allowable number and size of vehicles and equipment used by the home occupation shall be as determined by the Planning Commission. Not more than two (2) vehicles over twenty-two feet (22') in length and two (2) large pieces of equipment shall be allowed.
10. Permitted agricultural home occupations may include, but are not necessarily limited to the following:
 1. Those listed as major home occupations;
 2. Woodworking that requires no special power source or excessive storage;
 3. Veterinary hospitals and dog kennels;
 4. Riding clubs;
 5. Automobile, boat, and snowmobile minor repair shops (limit 3 vehicles at any one time - not to include body repair and painting);
 6. Contractors (limits shall be placed on the amount and size of equipment to be stored);
 7. Welding or machine shops.
11. The following uses, by the nature of the investment or operation, have a pronounced tendency once started to increase beyond the limits permitted for home occupations and thereby impair the use and value of a residentially zoned area for residential purposes. Therefore, the uses specified below shall not be permitted as home occupations:
 1. Major auto repair;
 2. Manufacturing that requires deliveries from vehicles larger than 31,000 GVW;
 3. Any use that requires power, water, sewer, or other utility services in excess of typical residential usage.
 4. Any use that would require on-site disposal of hazardous chemicals or wastes.

17-26-6 Residential Child Care

Residential child care of not more than twelve (12) children may be allowed by conditional use permit in all zones. The following regulations shall apply to all residential child care.

1. The child care shall comply with all regulations of the State of Utah. A child care provider who cares for five (5) to eight (8) children shall obtain a State Residential Child Care Certificate. A child care provider who cares for nine (9) or more children shall obtain a State license.
2. One (1) person not residing in the dwelling may work in the residential child care. There may be more than one non-resident employee, but only one may be on the premises at a time.
3. Off street parking shall be provided for the residents and employees.

17-26-7 General Standards

The following standards shall apply to all home occupations:

1. The total number of home occupations conducted within a dwelling unit is not limited, except that the cumulative impact of all home occupations conducted within the dwelling unit or on the premises thereof shall not be greater than the impact of one home occupation.
2. There shall be no entrance or exit way specifically provided in the dwelling or on the premises for the conduct of the home occupation thereon.
3. The owner of the home occupation business must reside in the dwelling.
4. The use must be in compliance with all applicable State, County and City fire, building, plumbing, electrical and health codes and/or ordinances.
5. The use must be inspected to determine continued compliance with the provisions of all State, County and City laws and/or ordinances.
6. The home occupation must be licensed as a valid business in Kaysville City.
7. Home occupation license fees shall be established from time to time by the City Council by resolution. All annual license fees shall be due and payable before the first day of January of each year. License fees are not rebateable.

17-26-8 Enforcement And Revocation

The following shall be considered as grounds for the revocation of a home occupation license or for the assessment of fines as specified:

1. Any change in use or any change in extent of use, area of the dwelling unit being used, or mechanical or electrical equipment being used that is different from that specified in the granted home occupation license that is not first cleared and approved by the Zoning Administrator for minor home occupations or by the Planning Commission in the case of major or agricultural home occupations shall be grounds for the revocation of a home occupation license.
2. Failure to allow periodic inspections by the building official or representative at any reasonable time when an adult member of the family is present may result in the revocation of the home occupation license as provided for in [KCC 16-1-17](#).

HISTORY

Amended by Ord. [21-07-03](#) on 7/15/2021

17-26-9 Penalties

1. Failure to pay the annual renewal fee shall result in the assessment of an additional processing fee if paid within thirty (30) days after the due date; or revocation of the home occupation license if not paid within thirty (30) days after the due date.
2. Home occupation licenses which have been revoked may not be applied for again for a period of thirty (30) days on a first offense or six (6) months for a second offense.

17-26-10 Youth Enterprise

Uses classified as Youth Enterprises shall be permitted in all zones. The following regulations shall apply to all Youth Enterprises:

1. The Youth Enterprise shall be conducted entirely by youth seventeen (17) years of age or younger.
2. The Youth Enterprise activity shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the premises shall not be significantly altered or changed by the Youth Enterprise.
3. The Youth Enterprise shall have no more than one table or display of goods which shall be located entirely upon the premises.
4. The Youth Enterprise shall have only one sign no larger than sixteen (16) square feet which shall be removed from public view at the end of each business day.
5. Any merchandise sold in connection with the Youth Enterprise shall be only that which the youth conducting the enterprise has made or raised.
6. No explosive materials shall be used or stored on the premises. No activity shall be allowed that would interfere with radio or television reception in the area, nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line of the premises upon which the enterprise is conducted.
7. The Youth Enterprise shall not create greater vehicle or pedestrian traffic than normal for the zone district in which it is located.
8. The Youth Enterprise shall not require additional off-street parking above that required for the zone district.
9. The Youth Enterprise shall not require deliveries from commercial suppliers nor commercial deliveries from the enterprise.
10. The Youth Enterprise shall comply with all other applicable city rules and regulations.
11. Failure to comply with the provisions of this section or any applicable city regulation may result in the Zoning Administrator issuing an order suspending or terminating the Youth Enterprise.

HISTORY

Amended by Ord. [19-05-02](#) on 5/2/2019

New Category

Instructional Home Occupation

An Instructional Home Occupation is a business which may provide services to individuals or groups of a limited size where academics or skills are taught.

The following regulations shall apply to all instructional home occupations:

1. The use shall be conducted on a property occupied by a primary dwelling.
2. The resident of the dwelling on site need not own or work for the business, but the business shall provide proof of consent for use of the home or property from the property owner.
3. No more than 4 instructors or employees may work at any given time. The Planning Commission may place more strict limits on the number of instructors allowed as part of the conditional use review process.
4. No more than 12 students or clients may be on site at any given time. The Planning Commission may in the process of reviewing the conditional use permit further limit the number of students allowed at any given time.
5. The use shall be clearly incidental and secondary to the use of the dwelling for dwelling purposes, and the appearance of the structure shall not be altered or the occupation within the residence or dwelling site be conducted in a manner which would cause the premises to differ from its residential character either by the use of colors, materials, construction, lighting, or the emission of sounds, noises, or vibrations.
6. An application for an Instructional Home Occupation must be accompanied by a description of the business including hours of operation, number of instructors, length and number of sessions, number of students per session, and a plan to handle traffic generated by the business.
7. Instructional Home Occupations shall teach a skill or lesson only and may not use the home or on site facility for tournaments or spectator events.
8. No more than 20 percent of the gross floor area of the dwelling may be used for the home occupation or no more than 10% of the lot area if outside the home may be used for the home occupation. Accessory buildings as allowed in the zone district may be used for the home occupation.
9. There shall be no signs present on the property except for one wall sign, not to exceed one square foot, indicating the address and the occupant's name, for example, Joe Doe - Accountant. See Name Plates in KCC 17-33, Sign Regulations.
10. There shall not be conducted on the premises the business of selling stocks of merchandise, supplies, or products, provided that incidental retail sales may be made in connection with the instructional home occupation; for example, a tennis instructor may sale a tennis racket to a client but would not be allowed to develop stocks of tennis rackets for sale to the general public on-site.
11. There shall be no exterior storage on the premises of material used in the home occupation nor of any explosive material. No activity shall be allowed which would interfere with radio or television transmission in the area; nor shall there be any offensive noise, vibration, smoke, dust, odors, heat, or glare noticeable at or beyond the property line.
12. An instructional home occupation shall not require deliveries from commercial suppliers.
13. Notwithstanding any provision contained herein to the contrary, garage, basement, yard, or other similar sales shall be permitted not more than twice a year, and each sale shall not last more than two (2) consecutive days.
14. The Planning Commission shall in consideration of an instructional home occupation place a limit on the number of instructors, vehicles, and/or students involved with the business.
15. No vehicles exceeding 22 feet in length shall be permitted in conjunction with an instructional home occupation business.

16. Instruction sessions shall have a minimum of 10 minutes between scheduled sessions to reduce pick-up and drop-off vehicle congestion. The Planning Commission may in consideration of the conditional use approval require additional time between sessions.

17. Instructional Home Occupations may include, but are not necessarily limited to the following:

- Tutoring (groups larger then 2 students or involving multiple instructors)
- Swimming Lessons
- Tennis / Pickleball / Basketball instruction
- Group Music Lessons

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**KAYSVILLE CITY PLANNING COMMISSION
MEETING MINUTES
August 12, 2021**

Planning Commission Members in Attendance: Chair- Quan Nguyen, Vice Chair- Abbigayle Hunt, Jared Doxey, Toby Barrus, Steve Lyon, and Wilf Sommerkorn

Staff Present: Lyle Gibson, Dan Jessop

Public Attendees: Tyler Fisher, Donovan Welch, Mike Barnett, Dave Bradway, Richard Messerly, Troy Messerly, Jon Parry, Jacquie Jones, Rick Jones, Tom Wood, Christian Nielsen, Bill Knowlton, Collin Gee, and Glades Moore

The Planning Commission meeting was held on Thursday, August 12, 2021 at 7:00 p.m. in the Kaysville City Hall located at 23 East Center Street. Chairperson Quan Nguyen opened the meeting by welcoming those present.

PUBLIC HEARING AND REQUEST TO REZONE .44 ACRES OF PROPERTY AT 65 CRESTWOOD ROAD FROM THE R-1-8 (SINGLE FAMILY RESIDENTIAL) ZONING DISTRICT TO THE GC (GENERAL COMMERCIAL) ZONING DISTRICT

Introduced by: Dan Jessop. Mr. Jessop explained that the request did not come with a specific project, but would be to allow future consideration of whatever the GC zoning district permits. It is not required that a rezone accompany a specific project so the Commission should consider if the zone works at this location or not and make a recommendation to the City Council accordingly.

Public Comment:

Tom Wood – Representing the applicant. Mr. Neilsen the applicant is familiar with the area. He wants to be sensitive to the potential impact of the neighborhood. Already a lot of commercial in the area so this fits. There used to be a potato chip factory close by so all the existing homes in the area have been around more commercial historically. They met with neighbors already last night. Noted concerns of traffic which can be addressed once use is determined. The commercial in the area has plenty of parking, but people park on the street in the shade, so there is available parking in the area. Crestwood road is designated as a major street and is meant to handle traffic and businesses. Primary interest is to hopefully use the property for his business someday.

Bill Knowlton – Indicated that this isn't another request for multi-family, but a request for business that will support the city's tax base. Believes that the site is not conducive of a gas station or convenient store so only certain types of use are viable. The home is not part of an historic district or on a historic registry and the owner does not plan to put on a registry.

Steve Burk (22 e 400 N) – This parcel has been before the city council for a consideration of a rezone previously. The prior request was for a commercial use as well. The area was originally residential and commercial has been replacing it. Where there is residential in the area it is becoming denser. Lots of cars parking on 30 W Street. Concerned about the number of kids that cross the street in the area to go to the park and school in the area. There are new homes just to the north of this. They would support other residential development, not commercial.

Tony Schwack – wants to make sure the area remains safe and worries what commercial traffic may do to safety. Thinks that maybe a little office using the existing house may be appropriate like a home office. Maybe adding a crosswalk at Crestwood and 30 W would make things safer. How will garbage and snow removal be managed?

Donovan Welch (71 Crestwood) – concerned about commercial proposal. Supports comments previously stated and emphasized traffic. Doesn't want neon lights that may come with commercial. Different residential development would be preferred. Whatever happens make sure that it is a clean use. Don't want more polluting factories. There is currently a shared driveway that needs to be reconciled particularly if it is a commercial use.

Dave Bradway (383 N) – Lives next to some of the commercial nearby and there is regularly a conflict with costumers parking in his driveway or blocking it. Things are getting very busy in the area, wants to keep it from getting too crowded.

Mike Barnett (415 N) – also opposed to the proposed rezone request. Keep the area residential. The property is too small for commercial development.

Emily Cramer – new to the area at 472 N Main which is the historic Victorian ... recently moved to Kaysville, her property is similar in size. How does the rezone process work? Would she be able to ask for a zone change at some point on her property? Make sure traffic is managed appropriately. Would be interested in historic preservation of homes in town, including her home.

Terry Maws – has a study been done on traffic impact along Crestwood road with all the work being done on Highway 89? Worried that there will be too much traffic with the changes from that road.

Tyler Fisher – Would like to see more specific plans before supporting the request. Keep it residential until more details are known.

Russell Johnson – 588 E 1475 S – Works in real estate development, indicated that there is a lot of change happening in the city. Everyone talks about affordable housing, but not many talk about affordable business space. Supports the rezone request as an opportunity to create a space for a business and further support the tax base of the city. Where it is on the border or edge of the residential neighborhood across the street from commercial property it seems reasonable to have a commercial zone on this lot. Thinks city's rules dealing with height and parking should mitigate the potential negative impacts of whatever may occur.

Gladys Moore – lives near new homes. Maybe Christian's business would be a good thing for this area, but once the zone is given it could be anyone who uses the site and may do something different that doesn't work for the neighborhood.

Richard Messerly – Great residential area with all the existing homes, the park, and amenities for residents. We need more housing right now. It is the oldest house in the area built in 1904. Doesn't support the request.

Christian Neilsen (applicant) – have lived in the area for a while and parents still live on 30 W Street. Is connected the area wants to make sure that this is a benefit to the area and doesn't create problems. Doesn't foresee something like a gas station or convenient store happening. Current business is office only, doesn't have customers. They make race medals, lapel pins, coins.

Discussion:

Commissioner Sommerkorn asked if the applicant was going to put in an office building on this property.

Mr. Neilsen responded that he may even use the home, but not sure, but is building another home somewhere else so wouldn't use this property as a home business as he won't live there. Has other properties more in the middle of other residential neighborhoods and of his properties this one seemed to fit the bill the most to be considered for commercial use.

Commissioner Nguyen asked if the applicant had relayed what his business is to the neighbors when they met.

The applicant responded that he wasn't able to spend much time detailing that with the neighbors so wanted them to know today that his business is a low key office.

Mr. Knowlton said that things change year to year, things are different now than when commercial was requested previously and the applicant doesn't want to commit to anything too specific because things may change in the years to come again. Believes that the road is meant to handle traffic. The applicant is trying to do things by the book and will get licensed and follow the city's rules and regulations in development to mitigate impacts.

Toby Barrus – Asked if a development agreement may be able to impose conditions on the property.

Commissioner Nguyen asked about why the original rezone was denied and how the rules work letting them ask again.

Commissioner Hunt stated that the options are still open in the future if a rezone isn't granted this time, but thinks perhaps a development agreement may be appropriate to make sure what happens isn't a surprise.

Bill Knowlton indicated that the applicant is willing to enter into a development agreement with the city and can address items such as no neon lights, etc.

Commissioner Sommerkorn indicated that we have been doing development agreements regularly and that it is a good way to go.

Commissioner Lyon wants to make sure that the development agreement runs with the property.

Commissioner Doxey generally likes to keep housing congruent with neighbors but with a development agreement it may be okay.

Commissioner Lyon the agreement could put a time limit as to when the commercial must be done, but whatever the case we need to look at a development agreement.

Commissioner Nguyen asked if a home business was an option and it was clarified that must be owner occupied and would restrict employees. Expressed appreciation for the outreach done with neighbors and where there is willingness to do a development agreement.

Commissioner Sommerkorn asked that the commission consider tabling the item to have a more specific plan put together and then form a development agreement accordingly.

Commissioner Lyon would not like to see this strung out too long so would encourage a decision either tonight or a meeting in the near future.
Commissioner Barrus thinks a development agreement can mitigate the impacts and make something work for the owner and neighbors.
Commissioner Doxey agreed with Commissioner Barrus.

Bill Knowlton with the applicant requested that this be tabled and that a development agreement be put together and be brought to the planning commission.

Motion: Table the item to be brought back with a development agreement

Motion to approve: Commissioner Sommerkorn

Motion to second: Commissioner Lyon

Vote on the motion: Vote is unanimous

PUBLIC HEARING FOR AN ORDINANCE ALLOWING FOR ACCESSORY DWELLING UNITS

Introduced by: Lyle Gibson. Mr. Gibson gave a brief introduction reminding the Commission that this has been discussed over multiple meetings and that the Commission asked to have a public hearing before providing further input and making a recommendation on the ordinance to the City Council.

Public Comment:

Jacque Jones interested in separate building as an ADU and asked for clarification as to whether or not they would be on separate utilities. Staff clarified that an ADU would share utility connections with the main house.

Discussion:

Commissioner Hunt asked if an ADU could be rented. Staff indicated that yes, it could.

Commissioner Barrus indicated that the ordinance looks like it is ready.

Commissioner Lyons asked if there was a license needed for renting units or if the city had a good landlord program.

Commissioner Doxey asked for clarification if someone could have an internal and external if family lived in the basement. Staff indicated that if a related family lived in the main home then it would be a single family situation and a detached ADU would still be allowed.

Commissioner Nguyen like how this ordinance addressed some housing affordability items. Wants to make sure that we aren't being too restrictive with the ordinance. Asked if we should be restricting short term use.

Commissioner Lyon said that if we do short term rentals we need to be ready to regulate those. And maybe that be allowed at some point after further review but only in certain places. As they will need to be licensed so the city can collect due taxes.

The commission held discussion about short term rentals and their potential impact on Kaysville.

Commissioner Hunt asked if we could consider short term rentals at a future date. Staff indicated that it could be changed later if desired.

Motion: Motion to recommend the ordinance as presented

Motion to approve: Commissioner Hunt

Motion to second: Commissioner Lyons asked for correction to spelling on sceptic tank. Commissioner Hunt okay with the comment and allowed amended motion.

Vote on the motion: Vote is unanimous

PRESENTATION AND REVIEW OF DRAFT WATER WISE LANDSCAPE ORDINANCE

Introduced by: Lyle Gibson. Mr. Gibson introduced the representative from the local water conservancy district to share what they are looking for in an updated ordinance from Kaysville City.

Presentation:

Jon Parry with Weber Basin Water Conservancy District explained the draft ordinance and the direction of water use and conservation. They have some turf removal incentives that they can offer but require that city's take certain steps first for residents to be eligible. Need to make sure that the ordinances cities have aren't in conflict with the districts programs, and they need to make sure that they aren't spending money promoting programs in a city where policies perpetuate landscaping that isn't efficient.

Discussion:

Lyons asked if different grasses could be used to allow more turf.

If a project is able to meet a water budget then a different lawn species may be permitted. The city could choose to go this route as part of or in addition to the total turf limitation.

The district is working with many municipalities to adopt these provisions. The cities have the authority and jurisdiction.

Restrictions are for new development and significant redevelopment. The district is pushing localscapes. But if the city is interested in zeroscape. Flip your strip program, residents can receive up to \$1.25 per foot of turf removed in a park strip. Resident must participate in a class, and commit to certain design details and document the change from turf to the localscape. Turf incentives may occur at a later date after prioritizing meters and park strips.

The next steps will be to visit on site at Weber Basin's demonstration garden on 8/20. Likely will have draft ready for a public hearing first meeting in September.

CALL TO THE PUBLIC

Nothing was brought forward

REPORTS, CORRESPONDANCE AND CALENDAR

Upcoming items:

Reminder of APA Utah Conference training opportunity.

Commissioner Sommerkorn asked about general plan timing, staff outlined that draft will be ready for review in September

ADJOURNMENT

Motion to adjourn by Commissioner Lyons. Meeting was adjourned at 9:29 pm.